

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9702 OF 2012

Shri Shankar Ramu Ingle

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

Mr. S.D. Patil for the Petitioner.

Mr. S.B. Kalel, AGP, for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

MONDAY, 03RD DECEMBER, 2018

P.C. :

1 Heard.

2 We do not think that a second petition on the same
cause of action can be entertained.

3 The whole prayer in the earlier petition which came to
be disposed of by this Court's order, copy of which is at pages 31
to 33 of the paper-book, subsumes the claim which is the subject

matter of this petition. The petitioner could very well have agitated that the Sixth Pay Commission benefits should be made admissible, the pay be re-fixed and the pension be granted from the date of retirement till the order of the Deputy Director passed in November, 2011. Once the petitioner had that liberty to claim this relief in the earlier writ petition as also in the subsequent exercise directed by this Court's order dated 15th March, 2011, not claiming any such relief then would denote that what might and ought to have been granted has indeed been considered, but not found to fit to be granted.

4 In the circumstances, we cannot entertain the second petition. All the more when no action of the respondent-State and its Director is under challenge insofar as the fixation of pension of the petitioner. Hence, this writ petition is dismissed.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.